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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUL 19 1994

REPLY TO THE ATTENTION OF:

HRSL-6J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Browning-Ferris Industries of Illinois, Inc.  
P.O. Box 37  
Rockford, Illinois 61105

Re: Request for Information Pursuant to Section 104(e) of CERCLA  
and Section 3007 of RCRA for the Southeast Rockford  
Groundwater Contamination Site in Rockford, Illinois.

Dear Sir or Madam:

The United States Environmental Protection Agency ("U.S. EPA") is currently investigating the source, extent and nature of the release or threatened release of hazardous substances, pollutants or contaminants, at the Southeast Rockford Groundwater Contamination Site in Rockford, Illinois (the "Site"). This investigation requires inquiry into the generation, storage, treatment, and disposal of such substances that have been or threaten to be released at the Site. U.S. EPA is also investigating the ability of persons connected with the Site to pay for or perform a clean-up of the Site.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 U.S.C. § 9604(e), and Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927, you are hereby requested to respond to the Information Requests enclosed.

Compliance with the enclosed Information Requests is mandatory. Failure to respond fully and truthfully to each and every Information Request within twenty-one (21) days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by U.S. EPA pursuant to Section 104(e)(5) of CERCLA which authorizes the United States to seek penalties from a Federal Court of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance. "Non-compliance" is considered by U.S. EPA to be not only failure to respond to the Requests but also failure to respond completely and truthfully to each Request. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties of up to

ten thousand dollars (\$10,000) or up to five (5) years of imprisonment or both under 18 U.S.C. Section 1001. U.S. EPA has the authority to use the information requested herein in any administrative, civil or criminal action.

This Information Request is directed to your company, its officers, directors and employees, and its subsidiaries, divisions, facilities and their officers, directors and employees. The relevant time period for this request is 1950 to 1980. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq.

Your response to this Information Request should be mailed to:

Karen Vendl  
Remedial Project Manager  
U.S. EPA  
Mail Code HSRL-6J  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Please direct any legal questions you may have to Andrew Warren, Assistant Regional Counsel, at (312) 353-5485. If you have any other questions contact Karen Vendl at (312) 886-4739.

Due to the seriousness of the problem at the Site and the legal ramifications of your failure to respond promptly and properly, U.S. EPA strongly encourages you to give this matter your immediate attention and to respond to these Information Requests within the time specified above.

Thank you for your cooperation in this matter.

Sincerely,

  
Robert J. Bowden, Chief  
Illinois/Indiana Remedial Response Branch

Enclosure

bcc: A. Warren, ORC (CS-3T)  
E. Doyle, ORC (CS-3T)  
K. Vendl, RPM (HRSL-6J)

## INSTRUCTIONS

1. A separate response must be made to each of the questions set forth in this Information Request.
2. Precede each answer with the number of the Information Request to which it corresponds.
3. In answering each Information Request, identify all contributing sources of information.
4. If information not known or not available to the Respondent as of the date of submission of its response should later become known or available, Respondent must supplement its response to U.S. EPA. Moreover, should the Respondent find, at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, Respondent must notify U.S. EPA as soon as possible.
5. For each document produced in response to this request for Information, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
6. You must respond to the Information Request on the basis of all information and documents in your possession, custody or control or in the possession, custody or control of your former or current employees, agents, servants, contractors or attorneys. Furnish such information as is available to you, regardless of whether or not it is based on personal knowledge, and regardless of source.
7. Your response should be accompanied by a notarized affidavit from a responsible company official or representative stating that a diligent record search has been completed and that there has been a diligent interviewing process with all present and former employees who may have knowledge of the operations, hazardous substance use, storage, treatment, releases, spills, disposal or handling practices of the Respondent between 1950 and 1980. To the extent that any information you provide relating to these Requests is based on your personal knowledge, or the personal knowledge of your employees, agents, or their representatives, this information shall be in the form of a notarized affidavit.
8. If any documents requested herein have been transferred voluntarily or involuntarily to others or have been otherwise disposed of, identify each such document, identify the person to whom it was transferred, describe the circumstances surrounding such transfer or other disposition, and state the date or approximate date of such transfer or other disposition.

9. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. 2.203(b). Information covered by such a claim will be disclosed by U.S. EPA only to the extent, and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. [See 41 Federal Register 36902 et seq. (September 1, 1976); 43 Federal Register 4000 et seq. (December 18, 1985)]. If no such claim accompanies the information when it is received by U.S. EPA it may be made available to the public by U.S. EPA without further notice to you. You should read carefully the above-cited regulations, together with the standards set forth in Section 104(e)(7) of CERCLA, before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim, as stated in Section 104(e)(7)(ii) of CERCLA.

#### DEFINITIONS

For the purpose of the Instructions and Requests for Information set forth herein, the following definitions shall apply:

1. The term "you" or "Respondent" shall mean the addressee of the Request, the addressee's officers, managers, employees, contractors, trustees, predecessors, successors, assigns, subsidiaries, and agents.
2. The term "person" as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.
3. "The Site" or "The Facility" shall mean and include the entire property on which the Southeast Rockford Groundwater Contamination Site in Rockford, Illinois is located.
4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, including mixtures of hazardous substances with other substances including petroleum products.
5. The term "pollutant" or "contaminant" shall have the same definition as that contained in Section 101(33) of CERCLA.
6. The terms "furnish", "describe", or "indicate" shall mean turning over to U.S. EPA either original or duplicate copies of the requested information in the possession, custody, or control of the Respondent. Where specific information has not been memorialized in any document but is nonetheless responsive to an information request, you must respond to the request with a

written response. If such requested information is not in your possession, custody, or control then indicate where such information or documents may be obtained.

7. The term "identify" means, with respect to a natural person, to set forth his full name, present or last known business address, the name of that employer and a description of the job responsibilities of such person.

8. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g. corporation, partnership, etc.) organization, if any, and a brief description of its business.

9. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance of the subject matter.

10. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substances or pollutants or contaminants.

11. As used here, "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by the way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, cancelled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements, and the like, diary, calendar, desk pad, scrap book, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc, or disc pack; and any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc or disc pack, tape or other type of memory and together with printouts of such punch card, disc or disc pack, video tape or other type of memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any documents and (e) every document referred to in any other document.

12. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these Information Requests any information which might otherwise be construed to be outside their scope.

#### REQUESTS

1. Identify all persons consulted in the preparation of the answers to these Information Requests.

2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these Information Requests and provide copies of all such documents.

3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.

4. If Respondent is a Corporation, respond to the following requests:

- a) Provide a copy of the Articles of Incorporation and By-Laws of the Respondent.
- b) Provide Respondent's financial statements for the past five fiscal years, including, but not limited to those filed with the Internal Revenue Service.
- c) Identify all of Respondent's current assets and liabilities and the persons who currently own or are responsible for such assets and liabilities.
- d) Identify the Parent Corporation and all subsidiaries of the Respondent.
- e) Identify the managers and majority shareholders of the Respondent and the nature of their management duties and amount of shares held.

5. Describe the acquisition of Rockford Disposal Services, Inc. ("Rockford Disposal") by Browning-Ferris Industries of Illinois, Inc. ("BFI"). Is BFI a successor in interest to the assets and liabilities of Rockford Disposal?

6. Describe the acquisition of the disposal company known as Lyons Disposal or Lyons Sanitary Services or Lyons & Sons ("Lyons") by BFI. Is BFI a successor in interest to the assets and liabilities of Lyons?

7. Identify by name, social security number, telephone number and last known address, all persons, whether presently employed

by you or formerly employed by you or your corporate predecessors, who participated in the collection, storage, treatment, transportation, and disposal of hazardous waste, solid waste, and septic waste in the Rockford, Illinois area prior to 1965.

8. Identify all industrial sources and industrial generators of hazardous waste, solid waste, and septic waste collected, treated, stored, transported, and disposed by you or your corporate predecessors in the Rockford, Illinois area.

9. Provide a description of the physical and chemical nature of hazardous waste, solid waste, and septic waste collected, treated, stored, transported, and disposed by you or your corporate predecessors in the Rockford, Illinois area. Provide any chemical and analytical data, reports, MSDS sheets, specifications, and any other documentation characterizing the nature and volume of the material handled by your firm. Identify for each industrial source and industrial generator identified in response to information request #8 above: 1) the nature and volume of hazardous waste, solid waste, and septic waste generated; and 2) the time period such wastes were generated.

10. Describe the facilities and equipment, including but not limited to, storage tanks and containers, tanker trucks, roll-off trucks, flat bed trucks and other vehicles used by you or your corporate predecessors in the collection, storage, transportation, treatment, and disposal of hazardous waste, solid waste, and septic waste in the Rockford, Illinois area. Provide photographs or illustrations of such equipment if available.

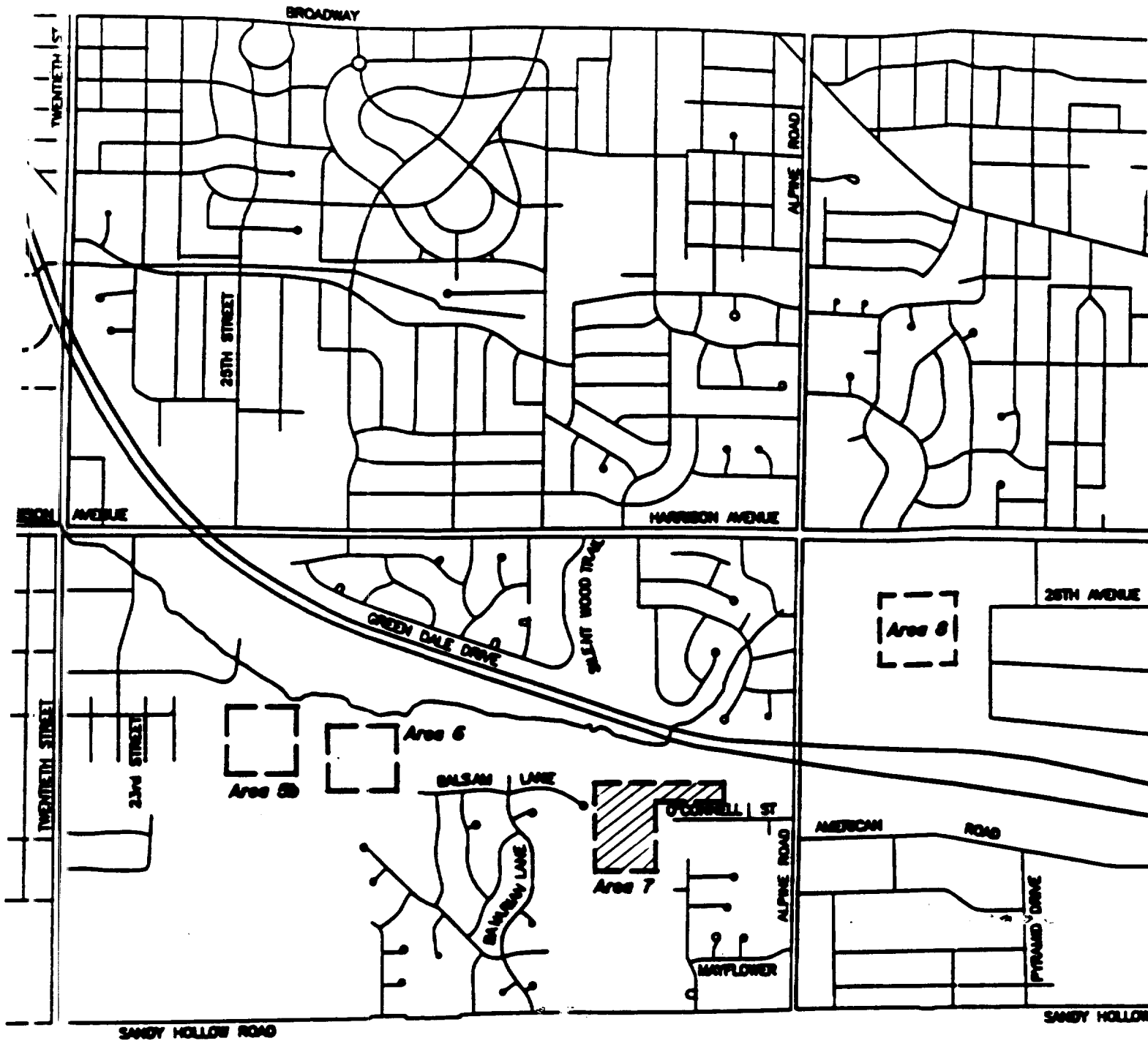
11. Identify each location in the Rockford, Illinois area at which hazardous waste, solid waste, and septic wastes were disposed by you or your corporate predecessors. Identify each location by, as appropriate, street address, map or plat description. For each location, identify the dates and duration of disposal, the nature and volume of waste disposed, the industrial sources and industrial generators of such waste, and the equipment and facilities used for each disposal.

12. Have you, your corporate predecessors, or any other person working with you or on your behalf ever accepted waste materials for transportation and disposal to the area generally north of Sandy Hollow Road and south of the Illinois Central Railroad tracks west of Balsam Lane (Pine Manor Subdivision) and east of Alpine Road from O'Connell Street in Rockford, Illinois (the "Disposal Area")? A map showing the location of the Disposal Area is included as Attachment 1. If the answer to this question is anything but an unequivocal no, identify:



- a) The persons from whom you or such other persons accepted waste materials for transport to the Disposal Area;
- b) Every date on which waste materials were so accepted or transported;
- c) For each transaction, the nature of the waste materials accepted or transported, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the material was used or the process which generated the material;
- d) For each material, describe any warnings given to you with respect to its handling;
- e) The owner of the materials so accepted or transported;
- f) The quantity of the material involved (weight or volume) in each transaction and the total quantity for all transactions;
- g) All tests or analyses and analytical results concerning each material;
- h) The price charged for transport and/or disposal per drum, barrel, container, load (or whatever unit used) of waste materials brought to the Disposal Area.

Attachment 1



Note: The Disposal Area is identified as Area 7.